

PERSONNEL RULES



August 31, 2000

Note:

The Personnel Rules are published here before having been published in the Alaska Administrative Code, and are subject to technical editing by the Department of Law and the Lt. Governor.

The latest update is the Personnel Board action on June 13, 2000.

Editor's note: This table shows the source of provisions in 2 AAC 07 for the Personnel Board's June 1984 reorganization, recodification and amendment of the Personnel Rules for publication in the Alaska Administrative Code, in compliance with AS 39.25.140.

PARALLEL REFERENCE TABLE

<u>AAC Section</u>	<u>Rule</u>	<u>AAC Section</u>	<u>Rule</u>
2 AAC 07.005	201.0	2 AAC 07.275	605.3
2 AAC 07.010	202.0	2 AAC 07.295	801.0
2 AAC 07.015	203.0	2 AAC 07.300(a)	802.0
2 AAC 07.020	204.0	2 AAC 07.300(b)	new
2 AAC 07.025	204.0	2 AAC 07.305	803.0
2 AAC 07.025(b)	new	2 AAC 07.310	804.0
2 AAC 07.030	205.0	2 AAC 07.315	902.11
2 AAC 07.035	206.0	2 AAC 07.320	902.11
2 AAC 07.040	301.0	2 AAC 07.325	902.12
2 AAC 07.045	301.0	2 AAC 07.330(a)	902.13
2 AAC 07.050	301.2	2 AAC 07.335	907.0
2 AAC 07.055	301.3	2 AAC 07.340	902.141
2 AAC 07.060	302.0	2 AAC 07.345(a)	new
2 AAC 07.065(a)	302.3	2 AAC 07.345(b)	902.151
2 AAC 07.065(b)	new	2 AAC 07.345(c)	902.154
2 AAC 07.065(c)	new	2 AAC 07.345(d)	new
2 AAC 07.065(d)	new	2 AAC 07.345(e)	902.152
2 AAC 07.065(e)	new	2 AAC 07.350	902.131
2 AAC 07.070	303.0	2 AAC 07.355	902.16
2 AAC 07.075	new	2 AAC 07.360(a)	902.21
2 AAC 07.080	304.0	2 AAC 07.360(b)	902.21
2 AAC 07.085(a)	305.0	2 AAC 07.360(c)	new
2 AAC 07.085(b)	401.1	2 AAC 07.360(d)	new
2 AAC 07.090(a)	306.1	2 AAC 07.360(e)	new
2 AAC 07.090(b)	306.3	2 AAC 07.360(f)	1011.0
2 AAC 07.090(c)	306.3	2 AAC 07.365(a)	902.21
2 AAC 07.095	307.0	2 AAC 07.365(b)	902.22
2 AAC 07.100	308.0	2 AAC 07.365(c)	902.23
2 AAC 07.105	309.0	2 AAC 07.370	902.24
2 AAC 07.110	306.2	2 AAC 07.375	902.25
2 AAC 07.115(a)	401.0	2 AAC 07.380	902.31
2 AAC 07.115(b)	403.0	2 AAC 07.385	new
2 AAC 07.115(c)	401.0	2 AAC 07.390(a)	904.0
2 AAC 07.115(d)	new	2 AAC 07.390(b)	903.1
2 AAC 07.120	new	2 AAC 07.390(c)	905.3
2 AAC 07.125(a)	404.0	2 AAC 07.390(d)	new
2 AAC 07.125(b)	new	2 AAC 07.390(e)	new
2 AAC 07.125(c)	new	2 AAC 07.395	1102.0
2 AAC 07.130	405.0	2 AAC 07.400	1103.0
2 AAC 07.135	406.0	2 AAC 07.405	1104.0
2 AAC 07.140	402.0	2 AAC 07.410	1104.7
2 AAC 07.145	501.1	2 AAC 07.415	1105.0
2 AAC 07.150	502.0	2 AAC 07.420(a)	1106.1
2 AAC 07.155(a)	503.0	2 AAC 07.420(b)	1106.4
2 AAC 07.155(h)	401.3	2 AAC 07.425	1106.2
2 AAC 07.160	506.0	2 AAC 07.435	1201.0
2 AAC 07.165(a)	207.1	2 AAC 07.440	1201.2
2 AAC 07.165(b)	506.0	2 AAC 07.445	1202.0
2 AAC 07.165(c)	504.1	2 AAC 07.450	new
2 AAC 07.170	502.0	2 AAC 07.500(a)	1007.0
2 AAC 07.175	new	2 AAC 07.500(b)	1008.0
2 AAC 07.180(a)	506.0	2 AAC 07.500(c)	1009.0
2 AAC 07.180(b)	new	2 AAC 07.500(d)	new
2 AAC 07.185	503.7	2 AAC 07.505	new
2 AAC 07.190	507.0	2 AAC 07.510	1107.0
2 AAC 07.195(a)	508.0	2 AAC 07.515	1010.0
2 AAC 07.200(a)	508.51	2 AAC 07.800	1104.3
2 AAC 07.200(b)	508.55	2 AAC 07.805	703.0
2 AAC 07.205	509.0	2 AAC 07.900	new
2 AAC 07.210(a)	510.0	2 AAC 07.905	1406.0
2 AAC 07.215	new	2 AAC 07.910	1407.0
2 AAC 07.220	511.0	2 AAC 07.920	1404.0
2 AAC 07.225	512.0	2 AAC 07.930	1405.0
2 AAC 07.240	601.0	2 AAC 07.940(a)(1)	1311.1
2 AAC 07.245	602.0	2 AAC 07.940(a)(2)	1311.2
2 AAC 07.250	602.1	2 AAC 07.940(a)(3)	1312.0
2 AAC 07.260(a)	606.0	2 AAC 07.940(a)(4)	1313.0
2 AAC 07.260(b)	new	2 AAC 07.940(a)(5)	1314.0
2 AAC 07.260(c)	new	2 AAC 07.940(a)(6)	1315.0

2 AAC 07.940(a)(7)	1316.0
2 AAC 07.940(a)(8)	706.0
2 AAC 07.940(b)	1317.0
2 AAC 07.950	1309.0
2 AAC 07.960	706.0
2 AAC 07.970	new
2 AAC 07.980	1408.0
2 AAC 07.990	514.0
2 AAC 07.999	Rule 1 Definitions

Contents

ARTICLE 1. CLASSIFICATION.

2 AAC 07.005. CLASSIFICATION PLAN	1
2 AAC 07.010. CLASS SPECIFICATIONS	1
2 AAC 07.015. CLASS TITLES.....	1
2 AAC 07.020. ALLOCATION OF POSITIONS	1
2 AAC 07.025. MAINTENANCE OF DESCRIPTIONS	2
2 AAC 07.030. REVIEW OF ALLOCATIONS	2
2 AAC 07.035. EFFECTIVE DATES OF ALLOCATION ACTION	2

ARTICLE 2. RECRUITMENT AND EXAMINATION.

2 AAC 07.041. VACANCY DESCRIPTION	3
2 AAC 07.046. APPOINTMENTS WITHOUT PUBLIC NOTICE: TRANSFER OR PREFERNETIAL RIGHTS	3
2 AAC 07.051. APPOINTMENTS WITHOUT PUBLIC NOTICE: NONPREFERNETIAL RIGHTS	8
2 AAC 07.056. SCOPE OF RECRUITMENT	9
2 AAC 07.061. RECRUITMENT FOR AN INDIVIDUAL POSITION	10
2 AAC 07.066. RECRUITMENT FOR MULTIPLE POSITIONS.....	10
2 AAC 07.071. FORM OF PUBLIC NOTICE.....	10
2 AAC 07.076. DEADLINED TO BE ANNOUNCED.....	11
2 AAC 07.081. OTHER CONDITIONS TO BE ANNOUNCED	11
2 AAC 07.086. METHODS OF APPLICATION.....	11
2 AAC 07.091. EVALUATION OF CONVICTIONS.....	12
2 AAC 07.096. EVALUATION OF APPLICATIONS	12
2 AAC 07.101. SCOPE OF ASSESSMENT	13
2 AAC 07.103. ACCESS TO ASSESSMENT RESULTS	13
2 AAC 07.106. SCOPE OF RANKING	14
2 AAC 07.111. EXCEPTION TO SCOPE OF RANKING	14
2 AAC 07.112. DISQUALIFICATION.....	15
2 AAC 07.113. RECORDS, MAINTENANCE OF DOCUMENTS	15

ARTICLE 3 - 4. RESERVED.

ARTICLE 5. APPOINTMENTS.

2 AAC 07.165. POSITION MUST BE ALLOCATED TO A JOB CLASSIFICATION.....	17
2 AAC 07.170. SELECTION FOR APPOINTMENT	17
2 AAC 07.175. AFFIRMATIVE ACTION.....	17
2 AAC 07.180. SUBSTITUTE APPOINTMENTS.....	18
2 AAC 07.185. SUBFILLING POSITIONS	18
2 AAC 07.190. EMERGENCY APPOINTMENTS.....	18
2 AAC 07.195. PROVISIONAL APPOINTMENTS.....	18
2 AAC 07.200. PROBATIONARY STATUS FOR PROVISIONAL	

Contents

EMPLOYEES.....	19
2 AAC 07.205. TRAINEE APPOINTMENTS	19
2 AAC 07.210. TRANSFER APPOINTMENTS	19
2 AAC 07.215. TRANSITION PERIOD FOR EMPLOYEES MOVED TO CLASSIFIED SERVICE	20
2 AAC 07.220. DIRECT APPOINTMENT FROM OTHER MERIT SYSTEMS.....	20
2 AAC 07.220. DIRECT APPOINTMENT FROM OTHER MERIT SYSTEMS.....	20
2 AAC 07.225. REHIRE.....	20
 ARTICLE 6. PROBATIONARY PERIODS.	
2 AAC 07.240. OBJECTIVE OF PROBATION	20
2 AAC 07.245. DURATION OF PROBATION	21
2 AAC 07.250. EXTENSION OF PROBATIONARY PERIOD	21
2 AAC 07.260. RETURN OF PERMANENT EMPLOYEE DURING PROBATIONARY PERIOD.....	21
2 AAC 07.275. COMPLETION OF PROBATION	22
 ARTICLE 7. PERSONNEL EVALUATION AND TRAINING.	
2 AAC 07.295. PERSONNEL EVALUATION	22
2 AAC 07.300. EMPLOYEE TRAINING.....	22
2 AAC 07.305. INTERN AND APPRENTICESHIP TRAINING PRGRAMS.....	23
2 AAC 07.310. REIMBURSEMENT AGREEMENT FOR EDUCATION COSTS.....	24
 ARTICLE 8. PAY.	
2 AAC 07.315. BEGINNING SALARY	24
2 AAC 07.320. EXCEPTIONS FOR ORGINAL APPOINTMENTS.....	24
2 AAC 07.325. EXCEPTION FOR FORMER EMPLOYEE.....	25
2 AAC 07.330. PROMOTED EMPLOYEES	25
2 AAC 07.333. ACTING IN A HIGHER RANGE.....	25
2 AAC 07.335. SALARY RANGE CHANGES	25
2 AAC 07.340. LATERALLY MOVED EMPLOYEE.....	26
2 AAC 07.345. DEMOTED EMPLOYEES' SALARIES	26
2 AAC 07.347. SLARY OF DOWNWARD MOVED EMPLOYEE.....	26
2 AAC 07.349. EXCEPTION FOR INITIAL APPOINTMENT SUBJECT TO PERSONNEL RULES.....	27
2 AAC 07.350. STEP DIFFERENTIALS EXCLUDED.....	27
2 AAC 07.355. EFFECTIVE DATE OF APPOINTMENTS.....	27
2 AAC 07.360. MERIT ANNIVERSARY DATE.....	27
2 AAC 07.365. MERIT INCREASES.....	28
2 AAC 07.370. WITHHOLDING A MERIT INCREASE.....	28
2 AAC 07.375. WITHDRAWING A SALARY STEP.....	28

Contents

2 AAC 07.385. PAY RATES.....	29
2 AAC 07.390. OVERTIME COMPENSATION.....	29
 ARTICLE 9. SEPARATION AND DEMOTION.	
2 AAC 07.395. RESIGNATIONS	30
2 AAC 07.400. SUSPENSIONS.....	30
2 AAC 07.405. LAYOFF	30
2 AAC 07.407. FURLOUGH	31
2 AAC 07.410. STATUS OF SEASONAL EMPLOYEES	31
2 AAC 07.415. DISMISSAL.....	31
2 AAC 07.420. INVOLUNTARY DEMOTION.....	32
2 AAC 07.425. VOLUNTARY DEMOTION	32
 ARTICLE 10. DISPUTES: HEARINGS AND APPEALS.	
2 AAC 07.435. PROCEDURE FOR ALL GRIEVANCES OTHER THAN DISMISSAL, DEMOTION, OR SUSPENSION OVER 30 DAYS	32
2 AAC 07.440. GRIEVANCE PROCEDURE IN THE CASE OF DISMISSAL, DEMOTION, OR SUSPENSION OVER 30 DAYS	34
2 AAC 07.445. INTERAGENCY DISPUTES.....	36
2 AAC 07.450. RESOLUTION OF COMPLAINTS MADE BY THE PUBLIC.....	36
 ARTICLE 11. LEAVE.	
2 AAC 07.500. WHEN A LEAVE OF ABSENCE MAY BE GRANTED.....	37
2 AAC 07.505. COPIES TO BE PROVIDED.....	38
2 AAC 07.510. FILLING A POSITION WHILE INCUMBENT ON APPROVED LEAVE	38
2 AAC 07.515. CANCELLATIONS OF LEAVES OF ABSENCES	38
 ARTICLE 12 - 18. RESERVED.	
 ARTICLE 19. MISCELLANEOUS PROVISIONS	
2 AAC 07.800. ORGANIZATIONAL UNITS	39
2 AAC 07.805. HOURS OF WORK.....	39
2 AAC 07.810. HOLIDAYS.....	39
2 AAC 07.815. DEMONSTRATION PROJECTS AUTHORIZED	40
 ARTICLE 20. GENERAL PROVISIONS	
2 AAC 07.900. PURPOSE	41

Contents

2 AAC 07.905. SCOPE OF CHAPTER.....	41
2 AAC 07.910. PERSONNEL RECORDS	42
2 AAC 07.915. JOB REFERENCES	43
2 AAC 07.920. WRITTEN PERSONNEL ACTIONS.....	43
2 AAC 07.930. PERSONNEL DUTIES	43
2 AAC 97.950. NEPOTISM	43
2 AAC 07.970. REPORTING VIOLATIONS	44
2 AAC 07.980. ENFORCEMENT	44
2 AAC 07.990. NATIONAL EMERGENCY OR CIVIL DISASTER.....	45
2 AAC 07.999. DEFINITIONS	45

ARTICLE 1. CLASSIFICATION.

Section

- 05. Classification plan
- 10. Class specifications
- 15. Class titles
- 20. Allocation of positions
- 25. Maintenance of descriptions
- 30. Review of allocations
- 35. Effective dates of allocation action

2 AAC 07.005. CLASSIFICATION PLAN. The director shall prepare a classification plan that groups into classes all the positions in the classified service and the partially exempt service. The director may consider job duties, responsibilities, qualifications and any other factors in preparing the plan. (In effect before 6/28/84)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150(1)

2 AAC 07.010. CLASS SPECIFICATIONS. The director shall establish written specifications for each class of positions. The specifications must include a title, a definition, typical duties and responsibilities, and minimum qualifications for appointment to a position in the class. (In effect before 6/28/84)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150(1)

2 AAC 07.015. CLASS TITLES. The title of a class is the official title for every position allocated to that class. For the purpose of internal management, abbreviations, working titles or other similar usages may be employed. (In effect before 6/28/84)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.020. ALLOCATION OF POSITIONS. (a) The director shall allocate all existing and new positions in the classified service and the partially exempt service to classes.

(b) A principal executive officer requesting allocation action shall provide the director with a written description of the duties, responsibilities, authority to be assigned the employee holding the position, an organizational chart, and such other information as the director may require. The principal executive officer requesting an allocation will certify that money is available to pay for the position. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.025. MAINTENANCE OF DESCRIPTIONS. (a) If a substantial change, or a change which may affect the allocation of the position, is made in a job assignment, the principal executive officer shall provide the director with a written description of the revised duties and responsibilities.

(b) The principal executive officer shall provide the incumbent of a position with a copy of the current description of duties and responsibilities, and any revisions submitted to the director. The incumbent must be promptly notified of any changes in duties and responsibilities. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.030. REVIEW OF ALLOCATIONS. The director shall provide for a systematic and periodic review of positions in the classified and partially exempt services for the purpose of adjusting the allocation of positions when the duties and responsibilities have materially changed, or when the director finds current classifications to be in error. (In effect before 6/28/84)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150(1)

2 AAC 07.035. EFFECTIVE DATES OF ALLOCATION ACTION. The effective date of all allocation and reallocation actions by the director is the first day of the regular pay period following the action, unless the director specifies another date that does not precede the date of the action. A personnel action that is required because of an allocation or reallocation must be taken not later than the first day of the second regular pay period following the effective date of the allocation or reallocation. (In effect before 6/28/84)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150(25)

ARTICLE 2. RECRUITMENT AND EXAMINATION.

Section

- 41. Vacancy description
- 46. Appointments without public notice: transfer or preferential rights
- 51. Appointments without public notice: nonpreferential rights
- 56. Scope of recruitment
- 61. Recruitment for an individual position
- 66. Recruitment for multiple positions
- 71. Form of public notice
- 76. Deadlines to be announced
- 81. Other conditions to be announced
- 86. Method of application
- 91. Evaluation of convictions
- 96. Evaluation of applications

- 101. Scope of assessment
- 103. Access to assessment results
- 106. Scope of ranking
- 111. Exception to scope of ranking
- 112. Disqualification
- 113. Records: maintenance of documents

2 AAC 07.040. RECRUITMENT. Repealed. (In effect before 6/28/84; repealed 08/31/00, Register 156)

2 AAC 07.041. VACANCY DESCRIPTION. When an appointing authority decides to fill a position in the classified service, the appointing authority shall prepare a description of the vacancy in a form approved by the director. However, a description of the vacancy is not required when an appointing authority fills a position by transfer or when an appointing authority fills an emergency position. The description of the vacancy must be based on the written description of duties, responsibilities, and authority of the position required in 2 AAC 07.020(b), and the written specifications for the class of positions provided in 2 AAC 07.010. (Eff.08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.045. CONTINUOUS EXAMINATIONS. Repealed. (In effect before 6/28/84; repealed 08/31/00, Register 156)

2 AAC 07.046. APPOINTMENTS WITHOUT PUBLIC NOTICE: TRANSFER OR PREFERENTIAL RIGHTS. (a) An appointing authority may fill a position without public notice by the transfer to the position of an employee with probationary or permanent status. Nothing in this section restricts a probationary or permanent employee from pursuing appointment under other subsections of this section or under other sections that may apply to the employee.

(b) An appointing authority may fill a position without public notice by the appointment of a person who has preferential employment rights in the following order of preference:

- (1) due to a request to transfer by a pregnant employee under 2 AAC 07.210(d);
- (2) due to layoff under 2 AAC 07.405;
- (3) because of qualification under AS 39.25.158 as an injured state employee.

(c) A candidate may not be appointed to a position that is suitable for a pregnant employee and to which a pregnant employee has requested transfer under 2 AAC 07.210(d) until the pregnant employee has been offered the position and refused the offer.

(d) If the position is not filled under (a) or (c) of this section, a person with preferential rights due to layoff may be appointed as follows:

- (1) if the vacancy is in an organizational unit for which a layoff list has

been established under 2 AAC 07.405, the person who is highest in the reverse order of layoff must be considered for the vacancy; the appointing authority may offer the position to the person or may determine not to fill the position; if an employment offer is made and that person declines the offer of appointment, the next person in the reverse order of layoff must be considered until the layoff list for the organizational unit is exhausted;

(2) if the vacancy is in an organizational unit for which no organizational unit layoff list exists or if each person on the layoff list in the organizational unit has declined appointment, the person who is highest in the reverse order of layoff from all layoff lists in the department for the job class must be considered for the vacancy; the appointing authority may offer the position to the person or may determine not to fill the position; if an employment offer is made and that person declines the appointment, the next person in the reverse order of layoff from all layoff lists in the department for the job class must be considered until the layoff lists for the department for the job class are exhausted; however, if the vacancy exists because the position has been reallocated from another job class; if an appointment is not required to be made under the provisions of (e) of this section and the reallocation is based on duties that have been, are, and will be performed by the incumbent an appointing authority may appoint the incumbent of the reallocated position to the new job class; this paragraph does not limit the appointing authority from filling the position through (3) of this subsection;

(3) if a vacancy is in an organizational unit for which an organizational layoff list and layoff lists in the department for the job class do not exist, or if each person on the layoff lists for the job class in the organizational unit and department has declined appointment, and the appointing authority has determined not to appoint the incumbent under (2) of this subsection, the person who is highest in the reverse order of layoff from all layoff lists in all other departments for the job class must be considered for the vacancy; the appointing authority may offer the position to the person or may determine not to fill the position; if an employment offer is made and that person declines appointment, the next person in the reverse order of layoff from all layoff lists in all other departments for the job class must be considered until the layoff lists of all departments for the job class are exhausted.

(e) If a person is not appointed under (a), (c), or (d) of this section, a person with preferential rights because of qualification under AS 39.25.158 as an injured state employee may be appointed as follows:

(1) an injured employee may apply for a workers' compensation injury preference; nothing in AS 39.25.158 or this chapter prohibits an employee who qualifies for a workers' compensation injury preference from competing for state positions for which that preference does not apply;

(2) a request for a workers' compensation injury preference must be filed within 30 calendar days after the date the injured employee is first released to full or modified employment by the injured employee's treating physician; the request must

(A) be in writing;

(B) be delivered to the director;

(C) state that the applicant desires a workers' compensation

injury preference;

(D) state the date and nature of the compensable injury in state employment; and

(E) be accompanied by a copy of the treating physician's release.

(3) within 30 calendar days of the receipt of a request under (2) of this subsection, the director shall acknowledge in writing the receipt of the request; within 60 calendar days of the date that appears on the acknowledgment, the injured employee shall submit to the director, on forms approved by the director the following;

(A) if required for the exercising of reemployment preference, a complete application for state employment for each job class for which the preference is desired, specifying the geographic location where the injured employee will accept employment, and indicating whether the injured employee is interested in full-time, seasonal, or part-time employment;

(B) a physical capacities evaluation form completed and signed by the injured employee's treating physician; and

(C) other material that the director may require to evaluate the request made under this paragraph;

(4) within 15 calendar days of receipt from the injured employee of the material specified in (3) of this subsection, the director shall make an initial determination whether the injured employee's application is appropriate for referral to the division of vocational rehabilitation in the Department of Labor and Workforce Development, or whether the request is appropriate to be assigned to the workers' compensation reemployment benefits administrator for certification; the director shall then forward the materials submitted by the injured employee, along with a copy of the description of the position held by the employee at the time of injury, to the director of the division of vocational rehabilitation or to the workers' compensation reemployment benefits administrator for certification;

(5) the director shall notify the injured employee of job classes for which the injured employee is qualified and within which the injured employee may exercise the workers' compensation injury preference; if the injured employee is certified by the division of vocational rehabilitation or the reemployment benefits administrator as able to return to the employee's previous position, the employee may exercise the preference under (7) and (8) of this subsection, or may waive the preference and instead request appointment to another position, at a comparable or lower wage; nothing in this subsection prohibits an employee from seeking retraining for which the employee is qualified under AS 23.30.041;

(6) In accordance with (7) - (10) of this subsection, an injured employee may exercise the workers' compensation injury preference under this section only

(A) once for each injury in state employment;

(B) for a position for which the injured employee is able to perform the essential functions; and

(C) for a position that provides a comparable wage, unless the injured employee agrees in writing to accept a position at a lower base pay

rate;

(7) if the injured employee is certified by the director of the division of vocational rehabilitation or the workers' compensation reemployment benefits administrator as able to perform all the tasks assigned to the injured employee's former position and if the injured employee's former position still exists, the employing department shall create a vacancy in that position and shall offer the position to the injured employee within 30 calendar days of the date the certification is received by the employing department; if the injured employee refuses the offer under this paragraph, further preference may not be given;

(8) if the injured employee is not certified as able to perform all the tasks assigned to the injured employee's former position, but is certified as able to perform the essential functions of that position, the employing department shall, within 30 calendar days of the receipt of the certification, determine whether reasonable accommodation to the injured employee's limitations can be made without undue hardship to the operation of the department's program; if reasonable accommodation can be made without undue hardship and if the injured employee's former position still exists, the employing department shall create a vacancy in that position and shall offer that position to the injured employee; if the injured employee refuses the offer, further preference may not be given.

(9) if the injured employee is unable to perform the essential functions of the injured employee's former position, the employing department cannot make reasonable accommodations for the injured employee's limitations without undue hardship, or the injured employee's former position no longer exists, the appointing authority shall consider the injured employee for each position vacancy in a job class at comparable wages, or lower wages if the injured employee has agreed in writing to accept a lower wage, for which the injured employee has applied and been found qualified by the division of personnel; if the employing department has a vacancy in a position that the injured employee is qualified to fill, the employing department shall fill the position by selecting the injured employee, or shall provide the director with a certification indicating that the injured employee is unable to perform, with or without reasonable accommodation that does not cause an undue hardship, the essential functions of the vacant position; if the employing department does not have a vacancy in a position that the injured employee is qualified to fill, but a position vacancy in a job class in another department exists for which the injured employee has applied and been found qualified by the division of personnel, the other department shall fill the position by selecting the injured employee, or shall provide the director with a certification indicating that the injured employee is unable, with or without reasonable accommodation that does not cause an undue hardship, to perform the essential functions of the vacant position; if the injured employee refuses a job offer, further preference may not be given.

(10) if an injured employee completes retraining under AS 23.30.041, the injured employee may apply under the provisions of (9) of this subsection for vacancies for which the injured employee was retrained, is qualified, and is able to perform the essential functions, if

(A) the retrained injured employee submits written notice of completion of retraining to the director within 30 calendar days after

completion of retraining;

(B) the retrained injured employee files a complete application, as required by (3)(A) of this subsection, for employment in the job class for which the injured employee was retrained; and

(C) the retrained injured employee files a physical capacities evaluation completed by the injured employee's treating physician.

(11) upon receipt of a certification under (9) or (10) of this subsection, the director shall, at the request of the employing agency, permit the appointing authority to fill the position under provisions of 2 AAC 07.051 - 2 AAC 07.111.

(12) a workers' compensation injury preference expires if the injured employee refuses a job offer under (7) - (10) of this subsection, or accepts a probationary appointment under this subsection, or accepts a probationary appointment through competition for a position at comparable wage for which preference does not apply;

(13) if an injured employee receives a written offer of employment under this subsection and does not accept the offer within 14 calendar days of the date the offer is received, the offer is considered refused.

(14) the appointing authority shall notify any employee subsequently employed in a position vacated by an injured employee of the injured employee's rights under this subsection;

(15) the director shall resolve complaints arising under this subsection in the manner set out in 2 AAC 07.450(b) or (c) as appropriate; the final written decision of the director may be appealed directly to the personnel board within 30 calendar days after receipt of the director's decision; the personnel board may hear and decide the appeal or may appoint a qualified hearing officer to hear the appeal; hearings on appeals are conducted in the manner set out in 2 AAC 07.435(c) - (f).

(f) When a person with a preferential employment right under (c), (d), or (e) of this section is not available, an appointing authority may proceed to fill a vacant position as provided in 2 AAC 07.051, or through the public announcement procedures of 2 AAC 07.056 - 2 AAC 07.112. The preferential employment rights under (c), (d), and (e) of this section do not apply to a position for which the appointing authority has taken an action under 2 AAC 07.051 or when the appointing authority has publicly announced the vacancy before the preferential employment rights accrued.

(g) In (d) of this section,

(A) "certified" means, with respect to the director of the division of vocational rehabilitation or the rehabilitation reemployment administrator, a written determination that the injured employee is able to perform all or the essential functions of the injured employee's former position, and, with respect to a department, a written determination by an appointing authority that the injured employee is unable to perform the essential functions of a position with or without reasonable accommodation that does not cause an undue hardship;

(B) "comparable wage" means a wage equal to at least 75 percent of the gross hourly rate of pay earned by the injured employee at the time of the injury; all comparable wage calculations are made by using the geographic

salary schedule applicable to the location of the position to which the injured employee is seeking to return;

(C) "employing department" means the department in which the injured employee was employed at the time of the injury or illness from which the injured worker qualifies for the workers' compensation injury preference;

(D) "injured employee" means a permanent, provisional, or probationary employee in the classified service who suffers an injury or illness that

(i) arises out of, and in the course of, state employment;

(ii) is the subject of a compensable workers' compensation claim; and

(iii) results in termination of employment due to the inability to perform the essential duties of the employee's position;

(E) "position" means position in the classified service other than an emergency or nonpermanent position. (Eff. 08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.050. SPECIFIC EXAMINATIONS. Repealed. (In effect before 6/28/84; repealed 08/31/00, Register 156)

2 AAC 07.051. APPOINTMENTS WITHOUT PUBLIC NOTICE:
NONPREFERENTIAL RIGHTS. In addition to vacancies filled under the provisions of 2 AAC 07.046, an appointing authority is not required to give public notice of a vacancy filled by one of the following means:

(1) if an appointment is not required to be made under the provisions of 2 AAC 07.046, an appointing authority may appoint a person eligible for noncompetitive rehire as described in 2 AAC 07.225; nothing in this section restricts a former employee from pursuing appointment under other subsections of this section or under other sections that may apply to the former employee.

(2) if an appointment is not required to be made under the provisions of 2 AAC 07.046(c), and the state has entered into a collective bargaining agreement that provides for appointments to be made under provisions of the agreement that are not consistent with the provisions of 2 AAC 07.046 - 2 AAC 07.111, an appointing authority may appoint a person under the terms of the collective bargaining agreement;

(3) the director may, solely in the director's discretion, designate job classes for which an appointing authority may request referrals from the employment service in the Department of Labor and Workforce Development; if an appointment is not required to be made under the provisions of 2 AAC 07.046, an appointing authority may appoint a person referred by the employment service in the Department of Labor and Workforce Development to a position in a job class so designated by the director;

(4) if the vacancy exists because the position has been reallocated from another job class, and an appointment is not required to be made under the provisions of 2 AAC 07.046, an appointing authority may appoint the incumbent of

the reallocated position to the new job class; this paragraph does not limit the appointing authority from filling the position through other means authorized in 2 AAC 07.046 - 2 AAC 07.111;

(5) if an appointment is not required to be made under the provisions of 2 AAC 07.046, an appointing authority may appoint a person who has a severe disability as determined by the director of vocational rehabilitation and who is a client of the division of vocational rehabilitation, in provisional status for a period not to exceed four months within a twelve-month period;

(6) as authorized by AS 39.25.195(b), in appropriate circumstances, the director may waive the requirement of using the public announcement processes of 2 AAC 07.056 in filling nonpermanent positions. (Eff. 08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150
AS 39.25.195

2 AAC 07 055. PROMOTIONAL EXAMINATIONS. Repealed. (In effect before 6/28/84; am 6/28/84, Register 91; am 8/19/94, Register 135; am 8/24/94, repealed 08/31/00, Register 156)

2 AAC 07.056. SCOPE OF RECRUITMENT. (a) An appointing authority must make a public announcement of a vacancy except as provided in 2 AAC 07.041 - 2 AAC 07.051. Except as provided in (b) - (d) of this section, the public announcement must be for at least ten days.

(b) When the director determines that a departmental promotional recruitment is in the best interests of the state service, the announcement of a vacancy may be limited to recruitment of departmental promotional applicants only. The promotional announcement must be available to the appropriate permanent employees for a period of not less than five days. Applications for a departmental promotional assessment must be accepted only from employees who have permanent status in the appropriate department.

(c) When the director determines that an interdepartmental promotional recruitment is in the best interests of the state service, the announcement of a vacancy may be limited to recruitment of interdepartmental promotional applicants only. The promotional announcement must be available to the appropriate permanent employees for a period of not less than five days. Applications for an interdepartmental promotional assessment must be accepted only from employees who have permanent status.

(d) As provided in 2 AAC 07.215, when the director determines that recruitment is in the best interests of the state service, the announcement of a vacancy may be limited to recruitment of employees of the exempt or partially exempt services whose positions have been moved to the classified service. The announcement must be available to the appropriate employees for a period of not less than five days. Applications for the positions covered by the announcement must be accepted only from employees whose positions are covered by the announcement.

(e) Unless the director determines that insufficient competition exists or will

exist among applicants domiciled in this state, the announcement of a vacancy under (a) is limited to recruitment of applicants domiciled in this state. If the director determines that insufficient competition exists or will exist among applicants domiciled in this state, an appointing authority shall rank candidates for selection in accordance with 2 AAC 07.106(b). (Eff.08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.060. APPLICATION FOR EMPLOYMENT. Repealed. (In effect before 6/28/84; repealed 08/31/00, Register 156)

2 AAC 07.061. RECRUITMENT FOR AN INDIVIDUAL POSITION. An announcement of a vacancy is for an individual position, unless recruitment is made under 2 AAC 07.066. An applicant responding to an announcement must only be evaluated and considered for the specific position that is the subject of the announcement. (Eff. 08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.065. DISQUALIFICATION. Repealed. (In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137; repealed 08/31/00, Register 156)

2 AAC 07.066. RECRUITMENT FOR MULTIPLE POSITIONS The director may determine to announce two or more vacancies in the same class of positions in the same announcement. An applicant responding to the announcement must only be evaluated and considered for the positions that are the subject of the announcement. (Eff. 08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.070. CHARACTER OF EXAMINATIONS. Repealed. (In effect before 6/28/84; am 6/28/84, Register 91; repealed 08/31/00, Register 156)

2 AAC 07.071. FORM OF PUBLIC NOTICE. The director shall use one or more forms of public notice that the director determines to be appropriate to the circumstances of the vacancy being announced. Public notice may include newspaper advertisement, publication and distribution of printed material, publication by electronic mail, toll or toll free telephonic recorded messages, or a public Internet site. The director shall make a reasonable effort to make the current form of public notice known to the potential applicant population. (Eff. 08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.075. INTERIM SELECTION PROCEDURES AND DEVICES.

Repealed. (Eff. 6/28/84, Register 91; repealed 08/31/00, Register 156)

2 AAC 07.076. DEADLINED TO BE ANNOUNCED. For each announcement of a vacancy for which public notice is required, the announcement must include any deadline required for the submission of applications, or must identify where information on a deadline is maintained. The director, solely in the director's discretion, may determine to extend a deadline. The director shall make a reasonable effort under the circumstances that lead to a determination to extend a deadline to provide at least one form of public notice of the extension. (Eff. 08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.080. CONDUCT OF EXAMINATIONS. Repealed. (In effect before 6/28/84; am 6/28/84, Register 91; repealed 08/31/00, Register 156)

2 AAC 07.081. OTHER CONDITIONS TO BE ANNOUNCED. Each announcement of a vacancy for which public notice is required, shall include, in addition to any deadline required by 2 AAC 07.076, information regarding the location of the vacancy, whether the vacancy is full time, part time, seasonal, or nonpermanent, the agency, rate of pay, and other information determined by the director to be necessary for the recruitment. An applicant submitting an application in response to an announcement is considered as being willing and available to work under the circumstances described in the announcement. (Eff. 08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.085. RANKING OF APPLICANTS. Repealed. (In effect before 6/28/84; am 6/28/84, Register 91; am 10/3/88, Register 109; am 8/24/94, Register 137; repealed 08/31/00, Register 156)

2 AAC 07.086. METHODS OF APPLICATION. The director shall specify the form required for submitting an application for a vacancy, which may include electronic forms and alternate means of submission. The director shall make reasonable efforts to assure that potential applicants have at least one means of submitting an application available to them. On the form, the director shall require the reporting of a misdemeanor conviction that occurred within the five years before the date of application, and a felony conviction regardless of the date that the conviction occurred. The director may also require information and evidence pertaining to the education, training, and experience of the applicant, and other information the director considers pertinent to the recruitment. An application may not be accepted after the announced deadline. (Eff. 08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.090 ACCESS TO EXAMINATION RESULTS. Repealed. (In effect before 6/28/84; am 6/28/84, Register 91; repealed 08/31/00, Register 156)

2 AAC 07.091. EVALUATION OF CONVICTIONS. (a) The director shall review the applications of individuals convicted of crimes and may disqualify the applicant if the offense for which the applicant was convicted directly relates to the applicant's future performance in the position applied for.

(b) In making the determination of whether an applicant is disqualified for a position, the director may consider the nature and seriousness of the offense; the type of position for which the applicant is applying and the requirements of that position; the circumstances under which the offense occurred; the amount of time that has passed since commission of the offense; the age of the applicant at the time the offense was committed; whether the offense was an isolated or repeated violation; and any aggravating, mitigating, or other facts or circumstances that might have a bearing on the suitability of the applicant for employment in the position sought. (Eff. 08/31/00, Register 156)

Authority: AS 39.25.070

AS 39.25.140

AS 39.25.150

2 AAC 07 095. PREFERENCE IN STATE EMPLOYMENT FOR VETERANS AND PRISONERS OF WAR. Repealed. (In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137; repealed 08/31/00 Register 156)

2 AAC 07.096. EVALUATION OF APPLICATIONS. (a) An application received by an announced deadline must be evaluated against the minimum qualifications for the class of positions. The director may provide for an electronic or other means of evaluating an application. If alternative means of application are permitted, the director may convert the various means to a common form for purposes of evaluation. The conversion is presumed to be made accurately, and a complaint under 2 AAC 07.450 may not be based on the results of a conversion. When the evaluation of an application shows that the requirements for qualification are met, the applicant must be admitted to the assessment, except as provided in 2 AAC 07.112.

(b) An appointing authority may request the director to approve the evaluation of applications against a specified portion of the minimum qualifications for the class of positions. The appointing authority may request such an approval when the appointing authority expects that some applicants who would meet the minimum qualifications for the class of positions would not be able to perform the duties of a specific position. The appointing authority shall document the unique or unusual circumstances involved in the request. The documentation must be consistent with the position description, the specification of the job class, and other factors relating to the principles of selection on the basis of merit from among the persons best qualified to perform the duties of the position. The director, solely in the director's discretion, may approve a request. If approved by the director, the specified portion of the minimum qualifications must be identified and applied to the position as if they were the minimum qualifications for the job class on all

subsequent announcements of a vacancy in the position. (Eff. 08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07 097. PREFERENCE IN STATE EMPLOYMENT FOR PERSONS INJURED WHILE EMPLOYED BY THE STATE. Repealed. (Eff. 10/18/90, Register 137; am 8/24/94, Register 137; am 11/2/95, Register 137; am 12/24/98, Register 150; repealed 08/31/00, Register 156)

2 AAC 07.100. RE-EXAMINATIONS. Repealed. (In effect before 6/28/84; am 6/28/84, Register 91; repealed 08/31/00, Register 156)

2 AAC 07.101. SCOPE OF ASSESSMENT. (a) The appointing authority shall make reasonable efforts to assess qualified applicants to determine the persons best qualified to perform the duties of a position. To the extent that it is feasible and practicable, an assessment must be designed to fairly predict satisfactory performance of the duties of a position. (b) An assessment under this section may include

- (a) an evaluation of education, experience, or record of accomplishment;
- (b) a test of knowledge, skill, capacity, intelligence, or aptitude;
- (c) an inquiry into any matter related to bona fide occupational qualifications;

and

(d) any combination of these factors reasonably calculated to predict successful performance in the position. (Eff. 08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.103. ACCESS TO ASSESSMENT RESULTS. (a) Under conditions approved by the director, an applicant must be given the opportunity to review an assessment that is open for inspection and was used in determining the person best qualified to perform the duties of a position. An applicant may also obtain information concerning the types of items failed, may request to have the answer sheet rescored, or make any other reasonable request concerning the means or methods used in determining the person best qualified to perform the duties of a position.

(b) A report regarding reputation, previous employment, background investigations, and similar information obtained by the director as a result of confidential inquiries is confidential, and is not available to the applicant. A written examination used for evaluation of applicants is not open for inspection by an applicant until after the examination is no longer used for competitive testing. Specific examination items currently in use for competitive examinations may only be inspected as authorized by the director. (Eff. 08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.080 AS 39.25.140
AS 39.25.150

2 AAC 07.105. SPECIAL BOARDS OF EXAMINERS. Repealed. (In effect before 6/28/84; am 6/28/84, Register 91; repealed 08/31/00, Register 156)

2 AAC 07.106. SCOPE OF RANKING. (a) The appointing authority shall use reasonable techniques and procedures as circumstances permit to determine grades that identify the relative ranking of qualified applicants. An applicant may be required to obtain a passing grade on each part of the assessment in order to obtain a final passing grade. Any creditable points for certain veterans, disabled veterans, former prisoners of war, or active members of the Alaska National Guard, as provided in AS 39.25.159, must be added to the final passing grade.

(b) Applicants domiciled in this state must be ranked in order above persons who are not domiciled in this state.

(c) If the director determines that the economy and efficiency of the state service would be enhanced, the appointing authority shall rerank the applicants and accord priority among persons domiciled in this state to those who reside in the locale, district, and region or this state where the vacancy exists. This method must also be used to give a preference under AS 39.25.196 to local residents in the filling of nonpermanent positions and the filling of seasonal positions of 180 calendar days or less. (Eff. 08/31/00, Register 156)

Authority:	AS 39.25.070	AS 39.25.140	AS 39.25.150
	AS 39.25.159	AS 39.25.196	

2 AAC 07.110. MAINTENANCE OF DOCUMENTS. Repealed. (In effect before 6/28/84; am 6/28/84, Register 91; am 9/28/96, Register 143; repealed 08/31/00, Register 156)

2 AAC 07.111. EXCEPTION TO SCOPE OF RANKING. (a) Under directives prepared by the director, an appointing authority may determine that ranking of qualified applicants for a position is not practicable or feasible. When the appointing authority determines that ranking of qualified applicants for a position is not practicable or feasible, the addition of points for certain veterans, disabled veterans, former prisoners of war, or active members of the Alaska National Guard provided in AS 39.25.159 is not applicable.

(b) The director's directives may include the following factors:

(1) the feasibility and practicability of developing an assessment that fairly predicts satisfactory performance of the duties of a position;

(2) the feasibility and practicability of determining grades that identify the relative ranking of qualified applicants;

(3) the expected number of qualified applicants that will apply for a position;

(4) the number of positions in the same job class that will be filled over a period of time. (Eff. 08/31/00, Register 156)

Authority:	AS 39.25.070	AS 39.25.140	AS 39.25.150	AS 39.25.159
------------	--------------	--------------	--------------	--------------

2 AAC 07.112. DISQUALIFICATION. (a) In addition to any other provision of this chapter regarding disqualification, the director or an appointing authority may refuse to evaluate an application; may refuse to admit an applicant to an assessment, may, after assessment, refuse to consider the applicant for appointment; or may remove the applicant's name from any list of relative rankings, if that applicant

(1) cannot perform the essential functions of the position with or without reasonable accommodation;

(2) makes a false statement of material fact in the application;

(3) has been dismissed from public service for misconduct, unsatisfactory performance of duties, or other similar cause;

(4) uses or attempts to use intimidation, political pressure, or bribery to secure an advantage in the assessment or appointment;

(5) obtains confidential information regarding an assessment administered under this chapter;

(6) engages in conduct prohibited under this chapter, under the State Personnel Act (AS 39.25), or under the Alaska Executive Branch Ethics Act (AS 39.52).

(b) The director may temporarily or permanently exclude a person from submitting applications, refuse to evaluate an application submitted by a person, refuse to assess the applicant, or refuse to provide for a person to be considered for appointment for any of the reasons listed in (a) of this section or those who

(1) fail to report for duty at the time and place prescribed by an appointing authority after accepting a job offer;

(2) fail to respond within the following time limits to a written or electronically transmitted inquiry of the director or appointing authority relating to availability for appointment:

(A) 14 calendar days when the applicant resides outside this state;

(B) 10 calendar days when the applicant resides within this state; or

(3) has received two or more unsatisfactory references and has been rejected by one or more appointing authorities.

(c) The director or appointing authority taking an action under (a) or (b) of this section shall provide notice of the action to a disqualified applicant. (Eff. 08/31/00, Register 156)

Authority: AS 39.25.070

AS 39.25.140

AS 39.25.150

2 AAC 07.113. RECORDS; MAINTENANCE OF DOCUMENTS. The applications, examination papers, and records of ratings of applicants are official records and must be maintained by the appointing authority for not less than two years after an appointment has been made. (Eff. 08/31/00, Register 156)

Authority: AS 39.25.070

AS 39.25.140

AS 39.25.150

ARTICLE 3. RESERVED. .

2 AAC 07.115. ELIGIBLE LIST. Repealed. (In effect before 6/28/84; am 6/28/84, Register 91; am 10/18/90, Register 137; am 11/3/95, Register 137; am 9/28/96, Register 143; repealed 08/31/00, Register 156)

2 AAC 07.120. ACTIVE AND INACTIVE ELIGIBLES. Repealed. (Eff. 06/28/84, Register 91; repealed 08/31/00, Register 156)

2 AAC 07.125. REMOVAL OF NAME FROM LIST. Repealed. (In effect before 6/28/84; am 6/28/84, Register 91; repealed 08/31/00, Register 156)

2 AAC 07.130. STATEMENT OF AVAILABILITY. Repealed. (In effect before 6/28/84; am 6/28/84, Register 91; am 9/28/96, Register 143; repealed 08/31/00, Register 156)

2 AAC 07.135. REACTIVATION OF NAMES. Repealed. (In effect before 6/28/84; am 6/28/84, Register 91; repealed 08/31/00, Register 156)

ARTICLE 4. RESERVED. .

2 AAC 07.140. CERTIFICATION FROM ELIGIBLE LIST. Repealed. (In effect before 6/28/84; am 6/28/84, Register 91; repealed 08/31/00, Register 156)

2 AAC 07.145. REQUESTS FOR CERTIFICATION. Repealed. (In effect before 6/28/84; am 6/28/84, Register 91; repealed 08/31/00, Register 156)

2 AAC 07.150. METHODS OF FILLING VACANCIES. Repealed. (In effect before 6/28/84; am 6/28/84, Register 91; repealed 08/31/00, Register 156)

2 AAC 07.155. CERTIFICATION OF ELIGIBLES TO FILL VACANCIES. Repealed. (In effect before 6/28/84; am 6/28/84, Register 91; am 10/18/90, Register 137; am 11/3/95, Register 137; repealed 08/31/00, Register 156)

2 AAC 07.160. WAIVER OF ELIGIBLE LIST IN FILLING NONPERMANENT POSITIONS. Repealed. (In effect before 6/28/84; am 6/28/84, Register 91; repealed 08/31/00, Register 156)

ARTICLE 5. APPOINTMENTS.

Section

- 165. Position must be allocated to a job classification
- 170. Selection for appointment
- 175. Affirmative action

- 180. Substitute appointments
- 185. Subfilling positions
- 190. Emergency appointments
- 195. Provisional appointments
- 200. Probationary status for provisional employees
- 205. Trainee appointments
- 210. Transfer appointments
- 215. Transition period for employees moved to classified service
- 220. Direct appointment from other merit systems
- 225. Rehire

2 AAC 07.165. POSITION MUST BE ALLOCATED TO A JOB

CLASSIFICATION. (a) An appointment, promotion, transfer, or demotion may not be made to a position in the classified or partially exempt service unless the position has been allocated to a class.

(b) An appointment may not be made to a nonpermanent position unless the position has been approved by the director.

(c) A commitment of appointment or salary rate may not be made to a prospective employee unless the requirements established under this chapter are satisfied. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150
AS 39.25.195

2 AAC 07.170. SELECTION FOR APPOINTMENT. (a) Appointments to positions in the classified service must be made on the basis of merit by selection from persons eligible for appointment without public announcement, or from the available qualified applicants responding to an announcement of a vacancy taking into account the duties that are assigned to the position

(b) When qualified applicants are ranked under the provisions of 2 AAC 07.106, appointments will normally be made from among the top five ranks. If practicable and in the best interest of the state service, vacancies will be filled by promotion.

(c) Repealed 08/31/00. (In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137; am 9/28/96, Register 143; am 08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.175. AFFIRMATIVE ACTION. (a) In order to meet affirmative action goals, a qualified applicant ranked lower than the fifth rank may be appointed.

(b) The director shall establish procedures for appointment that give consideration to affirmative action goals and may include requirements that appointing authorities give consideration to qualified applicants of race, ethnic, or sex groups who are ranked lower than the fifth rank, if those groups are underutilized in a job class. (Eff. 6/28/84, Register 91; am 08/31/00, Register 156))

Authority: AS 39.25.050 AS 39.25.150

2 AAC 07.180. SUBSTITUTE APPOINTMENTS. (a) With the prior approval of the director, an appointing authority may appoint a nonpermanent employee to perform the work of a permanent employee when the permanent employee is on leave. Appointment is limited to the duration of the incumbent's leave. Nonpermanent employees appointed under the provisions of this subsection do not have the rights of employees who hold permanent substitute appointments.

(b) An appointing authority may appoint a substitute permanent employee to perform the work of another permanent employee when the employee of record is on approved leave for a period expected to exceed the probationary period. The substitute employee appointed under the provisions of this section is entitled to all rights of a permanent employee except that the substitute employee will be laid off upon the return of the incumbent of record unless the substitute employee is on leave from another position under 2 AAC 07.500(4). In that case, the substitute employee shall return to the employee's own position with no right of layoff. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.185. SUBFILLING POSITIONS. If authorized by the director, and in the absence of at least five qualified applicants, a position may be filled by a person eligible for appointment to a lower class in the class series. Appointment may be made by any means required or authorized by 2 AAC 07.046 – 2 AAC 07.111 for the lower class. The appointing authority shall advise the appointee in writing of the subfill conditions, and shall assign duties consistent with the lower classification. (In effect before 6/28/84; am 6/28/84, Register 91; am 08/31/00, Register 156))

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150(25)

2 AAC 07.190. EMERGENCY APPOINTMENTS. (a) An emergency appointment may be made by the appointing authority for a period not to exceed 30 calendar days under conditions necessitating immediate action to provide for work that must be continued in the public interest.

(b) A report describing the circumstances which required the emergency appointment must be made by the appointing authority to the director within 15 days following the appointment. When the need for action for filling a vacancy is known far enough in advance to afford an opportunity for appropriate action under some other provision of this chapter or AS 39.25, an emergency does not exist and an emergency appointment may not be made. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.195. PROVISIONAL APPOINTMENTS. (a) When authorized by

the director in absence of at least five qualified applicants, a provisional appointment of a qualified person may be made to fill a vacant position. The provisional appointment must be terminated upon the employee's competition for appointment to the position or at the expiration of six months, whichever occurs first. When the director's evaluation of the response to an announcement of the vacancy indicates it to be in the best interests of the state service, the director may authorize the extension of a provisional appointment beyond six months.

(b) The appointing authority making a provisional appointment shall provide the director with a statement of the employee's qualifications.

(c) No person may receive more than one provisional appointment to the same position or serve in the position beyond the length of the probationary period.

(d) A provisionally appointed employee does not accrue seniority as a result of a provisional appointment except for the continuance of seniority in a lower class, unless the appointment later becomes a permanent appointment. (In effect before 6/28/84; am 6/28/84, Register 91; am 08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.200. PROBATIONARY STATUS FOR PROVISIONAL EMPLOYEES. (a) Retroactive probationary status must be granted to a provisional employee appointed under 2 AAC 07.195 who is selected under 2 AAC 07.170 before the end of the provisional appointment.

(b) A provisional employee who was appointed to the employee's current position under provisions of 2 AAC 07.051(5) and who has demonstrated the ability to perform the duties of the position is entitled to probationary status retroactive to the original date of provisional appointment. The employee's ability to perform must be demonstrated by a performance evaluation by the appointing authority as provided for in 2 AAC 07.295. (In effect before 6/28/84; am 6/28/84, Register 91; am 08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.205. TRAINEE APPOINTMENTS. A person appointed to serve as an intern or apprentice must participate in an established training program approved by the director. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.050 AS 39.25.070 AS 39.25.140
AS 39.25.150(25)

2 AAC 07.210. TRANSFER APPOINTMENTS. (a) An employee may be transferred within a department or to a different department, with the employee's concurrence.

(b) Any transfer effected for the good of the service without the consent of the employee must be approved by the director.

(c) The intradepartment or interdepartment transfer of an employee does not change the employment status of the transferred employee.

(d) A pregnant employee may request a transfer to a suitable position under AS 23.10.520. (In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.215. TRANSITION PERIOD FOR EMPLOYEES MOVED TO CLASSIFIED SERVICE. An employee in the exempt or partially exempt service whose position is moved to the classified service may retain the position as an exempt or partially exempt employee for up to 12 months in order to establish entitlement to appointment in the classified service. Upon successful completion of competition for the classified service position, the individual may be appointed and serve a probationary period. Range and step placement will be governed by 2 AAC 07.315 — 2 AAC 07.390. (Eff. 6/28/84, Register 91; am 8/24/94, Register 137; am 08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.220. DIRECT APPOINTMENT FROM OTHER MERIT SYSTEMS. With the prior approval of the director, merit system employees of the United States Government or the legislative or judicial branch of the Alaska State Government may, upon transfer to the executive branch of Alaska State Government, be appointed to the classified service, notwithstanding other provisions of this chapter. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150(10)

2 AAC 07.225. REHIRE. An employee who separated in good standing while holding a permanent or probationary appointment may be reemployed in the same job class or in a lower class in the same series without assessment, within two years after the employee's date of separation. (In effect before 6/28/84; am 6/28/84, Register 91; am 08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

ARTICLE 6. PROBATIONARY PERIODS.

Section

- 240. Objective of probation
- 245. Duration of probation
- 250. Extension of probationary period
- 260. Return of permanent employee during probationary period
- 275. Completion of probation

2 AAC 07.240. OBJECTIVE OF PROBATION. Permanent appointment in

the classified service is subject to a probationary period. It is an integral part of the examination process which is to be used to evaluate the employee's work and to reject any employee whose performance is not acceptable. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150(7)

2 AAC 07.245. DURATION OF PROBATION. (a) An employee appointed to a permanent position at salary range 13 or below must serve a six-month probationary period. An employee appointed to a permanent position at salary range 14 or above must serve a 12-month probationary period.

(b) A probationary employee who is appointed to a different position, other than by intradepartmental transfer, must serve a new probationary period. If the new appointment is a promotion within the same class series, the employee may complete the probationary period started in the lower position through service in the higher position.

(c) A permanent employee who is appointed to a different position, other than as a transfer, salary range change, or as a demotion within the same class series, must serve a new probationary period.

(d) An employee who has been recalled from a layoff list is subject to a probationary period only as necessary to complete any incomplete probationary period. (In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.250. EXTENSION OF PROBATIONARY PERIOD. The probationary period will be extended one month for each accumulation of 23 working days of leave without pay except for periods of furlough under 2 AAC 07.407. (In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.260. RETURN OF PERMANENT EMPLOYEE DURING PROBATIONARY PERIOD. (a) If a probationary employee holding permanent status performs unsatisfactorily during the probationary period, the employee may be returned to the class in which permanent status is held, or transferred to another appropriate class at the permanent-status salary range if the employee meets the minimum requirements for the class to which transferred.

(b) Before returning or transferring an employee under (a) of this section, the appointing authority shall notify the employee in writing of the unsatisfactory performance and the reasons for the return or transfer.

(c) A return or transfer under subsection (a) of this section must be within the department in which probationary status is held. If no vacancy exists in the class in which permanent status is held, the employee must return to the department in which permanent status was gained. (In effect before 6/28/84; am 6/28/84, Register

91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.275. COMPLETION OF PROBATION. Unless the appointing authority has demoted or dismissed the employee, the employee attains permanent status upon completion of the probationary period. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

ARTICLE 7. PERSONNEL EVALUATION AND TRAINING.

Section

- 295. Personnel evaluation
- 300. Employee training
- 305. Intern and apprenticeship training programs
- 310. Reimbursement agreement for education costs

2 AAC 07.295. PERSONNEL EVALUATION. (a) The director shall prescribe the nature, form, and frequency of personnel evaluations and may require a personnel evaluation at any time during an employee's probationary period.

(b) The director may take any action necessary to secure the correction of an evaluation report that is in error.

(c) The standards of performance that are established as a basis for personnel evaluation must relate to the duties of the employee's position and the job class to which it is allocated.

(d) The employee's supervisor shall discuss each personnel evaluation with the employee, with a goal of assisting the employee to understand the degree to which the employee is meeting the requirements of the position.

(e) The appointing authority shall file employee evaluations with the director. An employee evaluation is open to inspection by the employee or the employee's designated agent. The evaluations must also be open for inspection, for employment related considerations, by other officers and employees at the discretion of the director. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.300. EMPLOYEE TRAINING. (a) The purpose of the employee training program is to assure continued high-quality service to the public by assisting employees in improving their job performance skills and in preparing for career changes in the best interest of the state.

(b) The director, in cooperation with appointing authorities and others, is responsible for establishing priorities within the training program. To the extent practicable, available resources will be allocated in accordance with the following

priorities:

- (1) training to improve performance in an employee's current position, including training to handle emergencies;
- (2) training for skills required for higher level positions;
- (3) retraining for other state jobs for employees facing layoff. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.050(3) AS 39.25.150(25)

2 AAC 07.305. INTERN AND APPRENTICESHIP TRAINING PROGRAMS.

With the approval of the director, an appointing authority may establish intern or apprenticeship training programs. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.050(3) AS 39.25.150

2 AAC 07.310. REIMBURSEMENT AGREEMENT FOR EDUCATION COSTS. At the discretion of the appointing authority, employees in the classified and partially exempt service receiving training for which they receive reimbursement for travel or educational costs may be required to sign an agreement to reimburse the state for all or part of the state's expenditure if they leave the service of the state as a result of their own action before the completion of a stated amount of service in accordance with procedures established by the Commissioner of Administration. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.050(3) AS 39.25.150

ARTICLE 8. PAY

Section

- 315. Beginning salary
- 320. Exceptions for original appointments
- 325. Exception for former employee
- 330. Promoted employee
- 333. Acting in a higher range
- 335. Salary range changes
- 340. Laterally moved employee
- 345. Demoted employees' salaries
- 347. Salary of downward moved employee, other than demotion
- 349. Exception for initial appointment subject to personnel rules
- 350. Step differentials excluded
- 355. Effective date of appointments
- 360. Merit anniversary date
- 365. Merit increases
- 370. Withholding a merit increase
- 375. Withdrawing a salary step
- 380. Salary as total enumeration
- 385. Pay rates
- 390. Overtime compensation

2 AAC 07.315. BEGINNING SALARY. Except as provided in 2 AAC 07.315 - 2 AAC 07.390, the beginning salary of a newly appointed employee is the minimum rate for the job class. (In effect before 6/28/84; am 6/28/84, Register 91; am 9/28/96, Register 143)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150(2)

2 AAC 07.320. EXCEPTIONS FOR ORIGINAL APPOINTMENTS. A beginning salary higher than the minimum rate for the job class may be authorized by the director for a position in the classified service or by the principal executive officer for a position in the partially exempt service. A salary rate higher than the

minimum rate may only be authorized if

- (1) the appointee is exceptionally qualified;
- (2) recruitment is extremely difficult for a job class or particular position; or
- (3) the salary is authorized by the appointing authority under 2 AAC 07.325. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.325. EXCEPTION FOR FORMER EMPLOYEE. A beginning salary higher than the minimum rate for the job class may be authorized by an appointing authority to a former employee eligible for noncompetitive rehire under 2 AAC 07.225 if the salary step does not exceed the salary step formerly earned by the employee. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.330. PROMOTED EMPLOYEES. (a) A promoted employee's salary must be equal to the salary of the lowest step at the higher range that provides at least the salary provided by a one-step increase in the range of the class from which promoted.

(b) A promoted employee who has served one-half or more of the time required for consideration for a step increase in the class from which promoted must receive a salary closest to a two-step increase in the range of the class from which promoted. (In effect before 6/28/84; am 6/28/84, Register 91; am 9/28/96, Register 143)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.333. ACTING IN A HIGHER RANGE. An employee who has received prior written delegation from the employee's principal executive officer to perform essentially all the duties of a specific position in a higher range than the employee's own for more than 30 consecutive calendar days shall, retroactive to the first day, be paid at the step in the higher range that would be appropriate in the case of a promotion. Upon resumption of the employee's normal duties, the employee will return to the employee's regular salary. Delegations to perform essentially all the duties of a specific position in a higher range may not exceed 60 consecutive calendar days unless an extension is approved in advance by the director as necessary for the economy or efficiency of the state service. (Eff. 8/24/94, Register 137)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.335. SALARY RANGE CHANGES. When a class of positions is advanced from one pay range to a higher pay range, the action is called a "salary range change." The simultaneous reallocation of some positions to other job

classes does not affect the action on the remaining positions. The salary of all employees in positions subject to the action must be advanced to the corresponding step in the new range. (In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.340. LATERALLY MOVED EMPLOYEE. The salary of an employee moving from one position to another position in the same range must remain unchanged. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.345. DEMOTED EMPLOYEES' SALARIES. (a) An employee may be demoted for cause under 2 AAC 07.420, voluntarily demoted in the same class series, voluntarily demoted to a different class series under 2 AAC 07.425, or be demoted because the employee holds a position reallocated to a class at a lower pay range.

(b) If an employee is demoted for cause the employee's step placement must remain unchanged or be at another step approved in advance by the director.

(c) If an employee is voluntarily demoted in the same class series, the employee's step will be the step that best reflects the earned step based upon creditable service, or other step approved in advance by the director.

(d) Repealed 8/24/94.

(e) The salary of the incumbent of a position that is assigned to a lower pay range or reallocated to a class at a lower pay range will be paid according to the following:

(1) if the current salary is the same as a step in the new range, the employee will enter the new range at that step;

(2) if no step in the lower range provides the same salary, the most advanced step providing a lesser salary must be assigned, but the salary must remain frozen at the former rate until earned merit step advancements or adjustments to the compensation plan cause the rate for the step to exceed the frozen rate. The frozen rate may be paid for up to two years after which it will revert to the rate for the assigned step. (In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.347. SALARY OF DOWNWARD MOVED EMPLOYEE. The salary of an employee moving from one position to another position in a lower pay range that is not a demotion shall be determined under 2 AAC 07.315 - 2 AAC 07.325 as appropriate. (Eff. 8/24/94, Register 137; am 9/28/96, Register 143)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.349. EXCEPTION FOR INITIAL APPOINTMENT SUBJECT TO PERSONNEL RULES. An appointing authority of an employee in the classified or partially exempt service who occupied a position subject to a collective bargaining agreement may set the employee's salary upon appointment to a position not subject to a collective bargaining agreement in accordance with 2 AAC 07.315 - 2 AAC 07.325, in lieu of setting the employee's salary in accordance with the provisions of 2 AAC 07.330, 2 AAC 07.340, 2 AAC 07.345, or 2 AAC 07.347 as applicable. (Eff. 12/24/98, Register 150)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.350. STEP DIFFERENTIALS EXCLUDED. Geographical pay-step differentials under AS 39.27.020 must be excluded in the determination of step placement. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.355. EFFECTIVE DATE OF APPOINTMENTS. An appointment is normally made effective on the employee's first working day. An appointment may be made effective on the first of a pay period even though that day does not fall on a regular working day. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.360. MERIT ANNIVERSARY DATE. (a) The first day of the pay period following completion of the probationary period is the employee's merit anniversary date if the employee enters the pay range at the beginning step.

(b) The first day of the pay period following completion of one year of service is the employee's merit anniversary date if the employee enters the pay range above the beginning step.

(c) This section also applies to the establishment of a new merit anniversary date whenever an employee's movement between positions requires a new probationary period under 2 AAC 07.245.

(d) The merit anniversary date of a partially exempt employee shall be determined as if the employee served a probationary period.

(e) The merit anniversary year is based on full-time employment. The merit anniversary year for part-time and seasonal employees will be proportionately longer.

(f) The merit anniversary date must be moved one month later for each 23 days of leave without pay in a year beginning December 16 and ending the following December 15 unless the leave without pay is for a furlough under 2 AAC 07.407. (In effect before 6/28/84; am 6/28/84, Register 91; am 10/18/90, Register 137; am 8/24/94, Register 137)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.365. MERIT INCREASES. (a) Merit increases may be granted or withheld based upon the appointing authority's evaluation of an employee's performance.

(b) A merit increase of one step in the salary range may be given on the merit anniversary date to an employee who has received an overall performance evaluation of "Acceptable" or better and has demonstrated satisfactory service of a progressively greater value to the state.

(c) If an employee receives an overall performance evaluation of "Outstanding," a merit increase of two steps in the range may be given on the merit anniversary date at the discretion of the appointing authority. No merit increase may place an employee at a higher salary level than the top step of the employee's assigned salary range. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.370. WITHHOLDING A MERIT INCREASE. If a merit increase has been withheld, the merit anniversary date will remain unchanged. An appointing authority may grant a merit increase based upon the employee's subsequent acceptable performance on the first day of any pay period following the merit anniversary date. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.375. WITHDRAWING A SALARY STEP. (a) If an employee's work performance becomes less than acceptable, the appointing authority shall evaluate the performance of the employee. The employee must be provided with a copy of the performance evaluation. If the level of work performance does not become acceptable within a 30-day period, one step in the salary range may be withdrawn effective the first day of the pay period following written notification to the employee of the step withdrawal action and the reasons for the step withdrawal.

(b) No more than one salary step in the range may be withdrawn in a merit anniversary year.

(c) If an employee's performance becomes acceptable after a step withdrawal action, the salary step may be restored, effective the first day of the pay period following preparation of a performance evaluation report confirming the improved level of performance.

(d) This section does not apply to employees in longevity increments under AS 39.27.022. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150
AS 39.27.022

2 AAC 07.380. SALARY AS TOTAL ENUMERATION. The salary paid to an employee is the total enumeration for the employee, exclusive of reimbursement for official travel. Except as otherwise provided in this chapter or with the prior approval of the director, no employee may receive pay from the state in addition to the salary

authorized under the schedule provided in the pay plan. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.385. PAY RATES. (a) Employees will be paid on a monthly, daily, hourly, or other basis, that is consistent with sound accounting practices. (b) Regular pay periods and paydays will be established. The Department of Administration will make a schedule of paydays available so that an employee can determine the payday with certainty in advance of the payday. (Eff. 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.390. OVERTIME COMPENSATION. (a) Overtime eligibility and entitlements must be in accord with the Fair Labor Standards Act unless provided elsewhere in these regulations. All work performed by overtime eligible employees in excess of forty (40) hours in a workweek is overtime and shall be paid at the rate of one and one-half times the appropriate hourly rate of pay.

(b) Hourly rates of pay will be computed from the employee's monthly pay rate according to the following formula:

$$\text{Hourly rate} = \frac{\text{Monthly Rate} \times 12}{\text{number of hours in normal workweek under 2 AAC 07.905} \times 52}$$

(c) An employee who separates employment while having uncompensated overtime will receive cash payment in full for the overtime with the last check.

(d) Overtime compensation which is to be paid in cash will be paid at the overtime rate at which it was earned.

(e) An employee must take compensatory leave time within three months after it is earned. Any unused compensatory leave time will be paid in cash. (In effect before 6/28/84; am 6/28/84, Register 91; am 2/28/90, Register 126)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

ARTICLE 9. SEPARATION AND DEMOTION.

Section

- 395. Resignations
- 400. Suspensions
- 405. Layoff
- 407. Furlough
- 410. Status of seasonal employees
- 415. Dismissal

- 420. Involuntary demotion
- 425. Voluntary demotion

2 AAC 07.395. RESIGNATIONS. An employee may resign in good standing by providing two weeks' written notice before the effective date of the resignation. An employee may withdraw a resignation at any time before the effective date with the written approval of the appointing authority. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150(25)

2 AAC 07.400. SUSPENSIONS. The appointing authority may suspend any employee without pay for misconduct or while conducting an investigation under 2 AAC 07.415. If the appointing authority suspends an employee, the appointing authority shall provide the employee with a written statement of the reasons for the suspension. The appointing authority shall file a copy of the statement with the director. No seniority accrues during any period of suspension. Upon the employee's return to duty, the period of suspension will be treated as leave without pay for the purposes of this chapter, including effect upon leave and upon anniversary dates. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.405. LAYOFF. (a) An appointing authority may lay off an employee in the classified service if the employee holds a substitute appointment, if the employee's position is abolished, if there is a shortage of work or money exists, or for other reasons outside the employee's control. A layoff does not reflect discredit on the service of the employee. The name of a laid-off former employee MUST be placed on the appropriate layoff list and may remain on it for a period of up to two years. The name of a laid-off former employee may be removed from the layoff list for any reason that an applicant would be disqualified, or if the employee's application for a refund of retirement contributions from the public employees retirement system (AS 39.35) is processed, or if the employee retires under the public employees retirement system (AS 39.35) or the teacher retirement system (AS 14.25). The laid-off former employee is considered to have separated without prejudice.

(b) A permanent or probationary employee in the classified service may not be laid off while emergency, provisional, or nonpermanent employees are serving in the same class in the same department or organizational unit, or serving in other classes performing work to which the permanent or probationary employee could reasonably be assigned.

(c) The order of layoff must be based upon performance reports and seniority under a formula established by the director. The appointing authority may allow an employee to volunteer for layoff before an employee whose name appears higher in the order of layoff.

(d) The appointing authority shall give a permanent or probationary employee

at least two weeks' notice before the employee is laid off. The notice must be written and must state the reason for the layoff. The appointing authority shall provide the director with a copy of the notice.

(e) The names of permanent or probationary employees who are voluntarily demoted instead of being laid-off must be placed on the appropriate layoff list for the class from which demoted and remain on it for a period of up to two years or until appointed to a position at or above the salary range from which demoted, whichever comes first. The name of a laid-off former employee may be removed for any reason provided in 2 AAC 07.112.

(f) Repealed 08/31/00. (In effect before 6/28/84; am 6/28/84, Register 91; am 8/19/93, Register 135; am 9/28/96, Register 143; am 08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.407. FURLOUGH. An appointing authority may furlough an employee in the classified or partially exempt service if the principal executive officer of the department makes a written finding, subject to approval by the governor, that a furlough is necessary to meet budgetary constraints for up to 10 working days in a fiscal year without regard to the layoff provisions of 2 AAC 07.405. The appointing authority shall provide an employee with at least two weeks advance notice of a furlough. A furlough shall be treated as in pay status in its effects on the probationary period and merit anniversary dates. (Eff. 8/24/94, Register 137)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.410. STATUS OF SEASONAL EMPLOYEES. A seasonal employee will be placed on seasonal leave without pay at the end of the prescribed work season. The employee remains the incumbent of the position and is not placed on layoff status. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.415. DISMISSAL. (a) The appointing authority may dismiss a permanent employee for just cause only. If necessary, the appointing authority may approve a suspension of up to 30 days to conduct an investigation of the cause for dismissal. The employee must be given two weeks' notice before the dismissal, unless the employee's presence at the work site is contrary to the best interests of the state.

(b) The appointing authority may dismiss an employee who does not hold permanent status.

(c) If the appointing authority dismisses an employee, the appointing authority shall provide the employee with a written statement of the reasons for dismissal. The appointing authority shall file a copy of the statement with the director. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.420. INVOLUNTARY DEMOTION. (a) An appointing authority may demote an employee for just cause to a lower class in the same class series or to a similar class series to which the employee is eligible to transfer. The reasons for the demotion must be given to the employee in writing and a copy filed with the director.

(b) In addition to the provisions in (a) of this section, an employee with permanent status who is serving a new probationary period may be returned to the class in which the employee holds permanent status or transferred to another class at the same salary range under 2 AAC 07.260. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.425. VOLUNTARY DEMOTION. An employee may receive a voluntary demotion to a lower class in the same class series or a class series to which the employee is eligible to transfer. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150(25)

ARTICLE 10. DISPUTES: HEARINGS AND APPEALS.

Section

- 435. Procedure for all grievances other than dismissal, demotion, or suspension over 30 days
- 440. Grievance procedure in the case of dismissal, demotion, or suspension over 30 days
- 445. Interagency disputes
- 450. Resolution of complaints made by the public

2 AAC 07.435. PROCEDURE FOR ALL GRIEVANCES OTHER THAN DISMISSAL, DEMOTION, OR SUSPENSION OVER 30 DAYS. (a) An employee in the classified service may file a grievance. No act of reprisal may be taken against the grieving employee or against any other employee taking part in the presentation or adjudication of a grievance, as a result of good-faith use of the grievance procedures established by this section.

(b) A permanent employee who has a grievance relating to the employee's position, to the employee's working conditions, or to a condition of the employee's employment, may be heard in accordance with the following procedures:

(1) within 10 working days after the action being grieved, the employee shall present the grievance verbally or in writing to the employee's immediate supervisor; the supervisor will attempt to resolve the grievance and shall issue a written finding to the employee within 10 working days after presentation of the grievance;

(2) if the employee is not satisfied by the report of the supervisor under (1) of this subsection, the employee may pursue the grievance by submitting it in writing to the employee's division director within five workdays after the response from the supervisor is due; the division director will attempt to resolve the grievance, and shall issue a written finding to the employee within 10 working days after presentation of the grievance;

(3) if the employee is not satisfied by the division director under (2) of this subsection, the employee may pursue the grievance by submitting it to the executive head of the employing department within five working days after the response from the division director is due; the executive head of the employing department shall investigate and attempt to resolve the grievance and shall issue a written finding to the employee within 10 working days after presentation of the grievance;

(4) if the employee is not satisfied by the action by the executive head of the employing department, the employee may pursue the grievance by submitting it to the commissioner of administration within five working days after the response from the executive head of the employing department is due; the commissioner of administration shall issue a written finding to the grievant within 15 working days after presentation of the grievance; this paragraph does not apply to the hearing of a grievance that arises within the Department of Administration;

(5) if the employee is not satisfied by the action of the commissioner of administration under (3) and (4) of this subsection, the employee may appeal to the personnel board within five days after receiving the report of the commissioner of administration; the personnel board will, in its discretion, hear and decide the appeal or will, in its discretion, appoint a qualified hearing officer to hear the appeal.

(c) The personnel board will, in its discretion, adopt regulations governing the procedures to be followed in grievance hearings held under this section, in accordance with the following guidelines:

(1) hearings will be conducted informally and in a manner which protects the rights of the parties;

(2) the hearings will be open to the public unless the grieving employee requests a closed hearing;

(3) a party to the appeal may be represented by counsel upon giving written notice to the other parties and to the board or the hearing officer five working days before the hearing;

(4) all witnesses must be sworn;

(5) the board, or hearing officer will, in its discretion, admit any pertinent evidence, regardless of the existence of any common law, statutory, or judicial rule that may bar the admission of such evidence in a judicial proceeding, if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs; hearsay evidence may be used for the purpose of supplementing or explaining direct evidence but will not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action;

(6) the board, hearing officer, or either party may call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses;

(7) if the hearing is held by a hearing officer, the hearing officer shall

issue a proposed decision within 15 working days after the hearing is completed;

(8) the personnel board will maintain a record of the proceedings for two years after completion of the action.

(d) If a grievance hearing under this section is held by a hearing officer the personnel board may adopt the proposed decision in its entirety, or may reduce the proposed penalty and adopt the balance of the proposed decision.

(e) If a grievance hearing under this section is held by a hearing officer and the proposed decision is not adopted under (d) of this section, the personnel board, in its discretion, may decide the grievance upon the record including the transcript or tape recording of the earlier hearing, with or without taking additional evidence, or may refer the grievance to the same or another hearing officer to take additional evidence.

(f) If the grievance is referred to a hearing officer for the taking of additional evidence, the hearing officer shall prepare a proposed decision based upon the additional evidence and the record of the earlier hearing. The board will, in its discretion, give the parties the opportunity to present argument, either oral or written, before the board. If oral argument is presented, a board member may not vote unless that member heard the oral argument.

(g) The time limits established in this section may be extended by the director if it is determined that the limits impose undue restrictions on either party. (In effect before 6/28/84; am 6/28/84, Register 91; am 12/24/98, Register 150)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.440. GRIEVANCE PROCEDURE IN THE CASE OF DISMISSAL, DEMOTION, OR SUSPENSION OVER 30 DAYS. (a) An employee in the classified service who is dismissed, demoted, or suspended for more than 30 working days in a 12-month period may appeal as follows:

(1) within five days following receipt of written notification, the employee may address an appeal in writing to the principal executive officer of the employing agency setting out the reasons for the appeal;

(2) if a satisfactory resolution is not obtained through the decision of the principal executive officer within five working days after the date of the appeal, the employee may appeal the action to the personnel board;

(3) if the action of the principal executive officer is appealed, the personnel board will consider the appeal of the employee; if a hearing is requested, the board will, as soon as practicable, set a date, time, and place for the hearing; the board will give at least two weeks' written notice of the hearing to both the employee and the appointing authority, and will hold the hearing within 60 days after the date of the appeal; the hearing will be closed if requested by the employee; the employee may be represented by counsel at the hearing.

(b) Notwithstanding the provisions of (a) of this section, an employee in the classified service who is dismissed, demoted, or suspended for more than 30 days in a 12-month period may appeal directly to the personnel board under AS 39.25.170.

(c) A hearing conducted by the personnel board under (a)(3) or (b) of this

section will be held in accordance with the following guidelines:

(1) the guidelines set out for hearings under 2 AAC 07.435(c)-(g);
(2) the personnel board will schedule the hearing date as required under AS 39.25.170; in its discretion, the personnel board will appoint a hearing officer who shall promptly schedule a pre-hearing conference with the parties; at the pre-hearing conference, the hearing officer may require the parties to submit pre-hearing briefs, and exchange witness and exhibit lists; the hearing officer may set a deadline for filing motions; the hearing officer may provide for and regulate pre-hearing discovery; the hearing officer has the authority to sign subpoenas issued under AS 39.25.175;

(3) at the hearing, each party, commencing with the party who bears the burden of proof, shall present its position and may:

(A) utilize oral testimony taken under oath or affirmation;
(B) examine witnesses;
(C) introduce exhibits;
(D) cross-examine opposing witnesses on matters relevant to the issues even though that matter was not covered in the direct examination;
(E) discredit a witness regardless of which party first called the witness to testify;
(F) rebut the evidence against that party;
(G) make closing arguments or submit post-hearing briefs to be determined in the discretion of the hearing officer or personnel board;

(4) pleadings, motions, and other papers must conform to the service procedures set out in the Alaska Rules of Civil Procedure;

(5) upon prior request and approval, witnesses, parties, and their counsel may appear by teleconference;

(6) notwithstanding any provisions in (1) of this subsection, the personnel board will, in its discretion, ask questions of any party or witness at any point during the hearing; in its discretion, the personnel board or the hearing officer may seek additional evidence; all parties to the appeal must be duly notified and given an opportunity to participate in the consideration of additional evidence; the personnel board or the hearing officer may require parties to the appeal and witnesses to remain available to assist in the event additional evidence is sought;

(7) unless otherwise contrary to this chapter, all phases of the hearing except the deliberations of the personnel board and the hearing officer shall be recorded.

(d) If, in the hearing under (a)(3) or (b) of this section, the board finds that the action complained of was due to discrimination based on race, religion, color, national origin, age, handicap, sex, marital status, change in marital status, pregnancy, parenthood, political beliefs, or any other reason not related to merit, or in violation of the provisions of the State Personnel Act (AS 39.25) or this chapter, the employee must be reinstated without loss of pay or benefits for the period of dismissal, demotion, or suspension. In all other cases the personnel board will report its findings and recommendations to the appointing authority, the employee, and to the director.

(e) The time limits established in this section may be extended by the director

if it is determined that the limits impose undue restrictions upon either party. (In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137; am 12/24/98, Register 150)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150
AS 39.25.170

2 AAC 07.445. INTERAGENCY DISPUTES. For a dispute arising from a personnel action involving two or more agencies, the appointing authorities of the agencies involved shall attempt to resolve the dispute. If the dispute is not resolved, one or more of the agencies may present the matter to the director for review. The director shall make recommendations to the agencies involved and to the commissioner of administration. The decision of the commissioner of administration is final. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.450. RESOLUTION OF COMPLAINTS MADE BY THE PUBLIC.

(a) Members of the general public have the right to resolution of complaints arising out of application for state employment, state employment examinations, and the selection process under the procedures established in this section.

(b) Inquiries involving the application and examination process may be submitted to the division of personnel. Inquiries by telephone and personal appearance will be treated as informal inquiries and will be handled by a division of personnel employee who is qualified to answer questions or correct a mistake. The inquiry may be submitted in writing, or reduced to writing for submission at the request of a division of personnel employee. A written inquiry, appeal or other similar communication submitted to the division of personnel within 10 working days after the action complained of will be treated as a complaint. Upon receipt, the section chief of the section where the action complained of occurred will review the complaint and may take action to resolve it. The findings and actions taken to resolve the complaint must be reported to the complainant in writing within 10 working days. If not satisfied with the action of the section chief, the complainant may, within five workdays, and in writing, request the director to investigate the complaint. The director shall investigate, take appropriate action to resolve the complaint, and issue a final written decision within 15 working days.

(c) Inquiries concerning the selection process shall be directed to the human resources manager of the department in which the selection in question was made. Telephone and personal appearances will be treated as informal inquiries and will be handled by the human resources manager. The inquiry may be submitted in writing, or reduced to writing for submission at the request of the human resources manager. A written inquiry, appeal, or other similar communication submitted to the human resources manager within 10 working days after the selection will be treated as a complaint. Upon receipt, the human resources manager shall review the complaint and may take action to resolve it. The findings and actions taken to resolve the complaint must be reported to the complainant in writing within 10

working days. If not satisfied with the action of the human resources manager, the complainant must, within five working days, and in writing, request the principal executive officer of the department in which the subject selection was made to investigate the complaint. The principal executive officer may take action to resolve the complaint and issue a final written decision within 10 working days. If not satisfied with the action of the principal executive officer, the complainant must, within five working days and in writing, request the director to investigate the complaint. The director shall investigate and take appropriate action to resolve the complaint and issue a final written decision within 15 working days. The decision of the director is final.

(d) The time limits established in this section may be extended by the director if it is determined that the limits impose undue restrictions upon either party. (Eff. 6/28/84, Register 91; am 9/28/96, Register 143)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

ARTICLE 11. LEAVE.

Section

- 500. When a leave of absence may be granted
- 505. Copies to be provided
- 510. Filling a position while incumbent on approved leave
- 515. Cancellation of leaves of absences

2 AAC 07.500. WHEN A LEAVE OF ABSENCE MAY BE GRANTED. The principal executive officer may grant a leave of absence from a position under any of the following conditions:

(1) to permit a permanent employee of the classified service to accept an appointive position in the exempt or partially exempt service upon a finding by the principal executive officer that such leave is in the best interest of the department; the granting of such leave must be in writing with a copy provided to the employee and the director before the leave begins; such leave may be for a period not to exceed four years but may be extended in writing by the principal executive officer for additional periods;

(2) upon application by a permanent or probationary employee for disability because of sickness or injury such leave is limited to one month for each full month of probationary/permanent service up to a maximum of 24 months; the principal executive officer may from time to time require the employee to submit a certificate from the attending physician or from a designated physician as evidence that the leave should be continued;

(3) upon application by a permanent or probationary employee for travel or study calculated to equip the employee to render more effective service to the state;

(4) upon application by a probationary or permanent employee to accept a substitute appointment to a position from which an incumbent of record is

on approved leave under (1)—(3) of this section. (In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137)

Authority: AS 39.20.225 AS 39.25.150 AS 39.25.195

2 AAC 07.505. COPIES TO BE PROVIDED. Copies of all approved leaves of absence from a position must be provided to the director. (Eff. 6/28/84, Register 91)

Authority: AS 39.25.150(25)

2 AAC 07.510. FILLING A POSITION WHILE INCUMBENT ON APPROVED LEAVE. Positions with incumbents on approved leave may be filled by a substitute appointment under 2 AAC 07.180. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.150(25)

2 AAC 07.515. CANCELLATIONS OF LEAVES OF ABSENCES. A leave of absence from a position is subject to cancellation by the principal executive officer at any time upon prior written notice to the employee, specifying a reasonable date of termination of the leave. The principal executive officer shall cancel the leave

upon finding that the employee is using the leave for purposes other than that specified at the time of approval. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.150(25)

ARTICLE 12 - 18. RESERVED

ARTICLE 19. MISCELLANEOUS PROVISIONS.

Section

- 800. Organizational units
- 805. Hours of work
- 810. Holidays
- 815. Demonstration Projects Authorized

2 AAC 07.800. ORGANIZATIONAL UNITS. (a) An appointing authority may propose subdivision of an agency into organizational units for purposes of employment or layoff by submitting a written plan for subdivision to the director. Organizational units may be recognized on the basis of geographic area, function or class of employment, and may be different for different classes and types of employment. For purposes of this section, the types of employment are full-time, part-time and seasonal.

(b) The director shall notify the appointing authority of recognized organizational units, and those units must after that be used as a basis for employment or layoff. The appointing authority shall post a copy of the notice of recognition and shall distribute copies of the notice to affected employees.

(c) The director may withdraw recognition of organizational units created under this section upon notice to the appointing authority at any time the director determines that withdrawal of recognition is in the best interests of the state service. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.805. HOURS OF WORK. The normal work week consists of that number of hours of work from Sunday midnight to Sunday midnight, with exceptions for holidays, that represents the number of work hours per week applicable for the majority of state employees whose work hours are established pursuant to a collective bargaining agreement under AS 23.40. (In effect before 6/28/84; am 6/28/84, Register 91; am 04/02/88, Register 107; am 9/3/89, Register 123)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150(17)

2 AAC 07.810. HOLIDAYS. (a) The following days are observed as holidays for state employees who are in permanent, provisional or probationary status:

- (1) the first of January, known as New Year's Day;

Birthday;

- (2) the third Monday of January, known as Martin Luther King Jr.'s Birthday;
- (3) the third Monday in February, known as President's Day;
- (4) the last Monday in March, known as Seward's Day;
- (5) the last Monday in May, known as Memorial Day;
- (6) the Fourth of July, known as Independence Day;
- (7) the first Monday in September, known as Labor Day;
- (8) the 18th of October, known as Alaska Day;
- (9) the 11th of November, known as Veterans' Day;
- (10) the fourth Thursday in November, known as Thanksgiving Day;
- (11) the 25th of December, known as Christmas Day;
- (12) every day designated by public proclamation by the President of the United States as a national holiday or the governor of the state as a legal holiday.

(b) If a holiday listed in (a) of this section falls on a Sunday, the following Monday shall be observed as a holiday.

(c) If a holiday listed in (a) of this section falls on a Saturday, the preceding Friday shall be observed as a holiday.

(d) All employees may be directed to work on a day designated to be observed as a holiday, except for New Year's Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. If all employees are directed to work on a day designated to be observed as a holiday, each employee's personal leave account shall be credited with an additional day of leave.

(e) For purposes of this section, "observed" means a day off from work with pay. (Eff. 1/16/88, Register 109; am 2/28/90, Register 126; am 12/28/90, Register 126)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.815. DEMONSTRATION PROJECTS AUTHORIZED. (a) Except as provided in this section, the director may conduct and evaluate demonstration projects. Subject to the provisions of this section, demonstration projects may provide for

- (1) the methods of establishing qualification requirements for, recruitment for, and appointment to positions;
- (2) the methods of classifying positions and compensating employees;

and

- (3) the methods of assigning, reassigning, evaluating or promoting employees.

(b) The director may waive any provision of this chapter for a demonstration project under this section if the waiver is consistent with AS 39.25 (State Personnel Act) and other applicable law.

(c) The director will develop a plan for a demonstration project, before conducting the demonstration project, which identifies

- (1) the purposes of the project;
- (2) the types of employees, applicants or positions to be included;

(3) the methodology;
(4) the expected duration; and
(5) a specific citation to any provision of this chapter that is waived for the demonstration project.

(d) The director shall evaluate the results of each demonstration project to assess the degree to which its purposes have been achieved.

(e) A report of all ongoing demonstration projects shall be made to the personnel board every 60 days specifically reporting any new waivers. The waivers are effective until rejected by the personnel board.

(f) This section shall sunset on December 31, 2000, unless extended by the personnel board upon recommendation of the commissioner of administration. (Eff. 1/15/97, Register 150; am 12/24/98, Register 150; am 08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

ARTICLE 20. GENERAL PROVISIONS.

Section

- 900. Purpose
- 905. Scope of Chapter
- 910. Personnel records
- 915. Job references
- 920. Written personnel actions
- 930. Personnel duties
- 950. Nepotism
- 970. Reporting violations
- 980. Enforcement
- 990. National emergency or civil disaster
- 999. Definitions

2 AAC 07.900. PURPOSE. The purpose of 2 AAC 07.005 — 2 AAC 07.999 is to establish a personnel system based on principles of merit and to assure equal employment opportunity for all applicants and employees of the state covered by this chapter. (Eff. 6/28/84, Register 91)

Authority: AK Const. Art. XII, sec. 6 AS 39.25.010

2 AAC 07.905. SCOPE OF CHAPTER. This chapter applies to positions in the classified service and to nonpermanent positions. This chapter applies to positions in the partially exempt service only as specifically provided. This chapter does not apply to persons in the exempt service under AS 39.25.110. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.090

2 AAC 07.910. PERSONNEL RECORDS. (a) This section applies to the records of applicants for state employment and to the employment records of current and former classified and partially exempt employees.

(b) As provided in AS 39.25.080, the following information, if available, is open for public inspection:

- (1) names and position titles of all current state employees;
- (2) the position held by a state employee or a former employee;
- (3) the prior positions held by a state employee;
- (4) whether the employee or former employee is, or was, in the classified, partially exempt, or exempt service;
- (5) the dates of appointment and separation of a state employee; and
- (6) the compensation authorized for a current state employee.

(c) All other records of applicants for employment and employees in the classified and partially exempt service, including applications and resumes, are confidential and will be released only under the following conditions:

(1) to a state agency, for personnel related activities; the director shall establish and maintain a list of state officials and employees whose duties require the use of state personnel records; those state officials and employees on the list will be granted access to personnel records for use in connection with activities related to the state system of personnel administration; the state official or employee who requests information must sign an agreement that confidential information will not be released or made public;

(2) to the child support enforcement agency created under AS 25.27.010 or the child support agency of another state; the custodian of a state personnel record, in the custodian's discretion, shall request identification to verify that the person requesting the record is authorized by statute to receive the record; if satisfied that the person requesting the record is authorized by statute to receive the record, the custodian shall promptly make the record available;

(3) to a state agency for any other purpose; information maintained in personnel records will be released upon receipt of a written authorization from the employee, former employee, or applicant for employment whose records are requested; if no such authorization is submitted, personnel records will be released to other state officials and employees who are authorized by statute to review such state documents, upon receipt of a subpoena issued by competent authority and the execution of an agreement that confidential information will not be released or made public;

(4) to the public, upon receipt of a written authorization from the employee, former employee, or applicant for employment whose records are requested, or upon receipt of an order of a court of competent jurisdiction;

(5) a request for records not covered by paragraph (1) — (4) of this subsection will be addressed to the director; the director or the director's designee shall review the request and may approve the release of information if that release would be in the best interests of the state and can be accomplished without violation of the employee's, former employee's, or applicant's right to privacy. (In effect before 6/28/84; am 6/28/84, Register 91; am 12/24/98, Register 150)

Authority: AS 39.25.080 AS 39.25.140 AS 39.25.150

2 AAC 07.915. JOB REFERENCES. An employee who is serving or has served as the direct supervisor of a current or former employee, or that supervisor's successor or designee, may disclose information about the job performance of an employee or former employee to a prospective employer of the employee or former employee at the request of the prospective employer, or the employee or former employee, in accordance with AS 09.65.160. This disclosure may be from information that is open to public inspection or from the supervisor's, successor's, or designee's direct personal knowledge of the employee's or former employee's job performance. (Eff. 9/16/94, Register 135; am 9/28/96, Register 143)

Authority: AS 39.25.140 AS 39.25.150

2 AAC 07.920. WRITTEN PERSONNEL ACTIONS. A personnel action affecting a position or employee in the classified or partially exempt service must be issued in writing on a form that is approved by the director. A copy of the action must be provided to the director by the issuing authority. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150(25)

2 AAC 07.930. PERSONNEL DUTIES. The director may delegate personnel responsibilities and duties to the principal executive officer of principal departments of the executive branch. The delegated responsibility must be exercised personally by that employee unless further delegation has been approved by the director. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150(23)

2 AAC 07.940. PROHIBITIONS. Repealed 11/16/87.

2 AAC 07.950. NEPOTISM. (a) No person may be employed in the classified or partially exempt service in a department or agency if that person is the spouse of, or is related by blood or marriage, within and including the second degree of kindred, to the principal executive officer of the department or agency, to the principal executive officer's deputy or to an assistant principal executive officer.

(b) An appointing authority may not appoint a person to a classified or partially exempt position in a division of a state department or agency if that person is related by blood or marriage, within and including the second degree of kindred, to the director of that division, to a deputy director, or to an assistant director.

(c) An appointing authority may not appoint a person to a classified or partially exempt position in a state department or agency if that person is related by blood or marriage, within and including the second degree of kindred, to an employee in the department or agency unless the principal executive officer of the department or agency approves the appointment in writing. The principal executive

officer of the department or agency may not approve an appointment under this subsection that places a person in a direct supervisory relationship to a person related by blood or marriage within and including the second degree of kindred, or that is prohibited by (a) or (b) of this section.

(d) A copy of any written approval of appointment executed under subsection (c) of this section must be filed with the director. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.010 AS 39.25.150(25)

2 AAC 07.960. OTHER EMPLOYMENT. Repealed 11/16/87.

2 AAC 07.970. REPORTING VIOLATIONS. (a) An employee having knowledge of a violation of the provisions of this chapter or the State Personnel Act (AS 39.25) shall report the violation to the employee's supervisor or appointing authority if the violation concerns some person in the reporting employee's agency or department. If the violation concerns a person that is not employed by the same agency or department as the reporter, then the report must be made to the director.

(b) A supervisor or appointing authority notified under (a) of this section shall:

- (1) investigate the allegation;
- (2) prepare a written statement of the findings;
- (3) take any necessary action in accordance with this chapter and the Personnel Act to correct the violation;
- (4) take appropriate disciplinary action against the officer or employee responsible for the violation; and
- (5) report the findings and actions taken to the principal executive officer.

(c) When a violation of this chapter or the State Personnel Act (AS 39.25) is reported to the director under (a) of this section, the director shall notify the principal executive officer of the appropriate agency or department.

(d) The principal executive officer shall report all instances of violations of the provisions of this chapter or the State Personnel Act to the attorney general. A copy of the report must be sent to the director.

(e) No act of reprisal may be taken against an employee as a result of good-faith use of this section. (Eff. 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150(25)
AS 39.25.210

2 AAC 07.980. ENFORCEMENT. (a) The director shall enforce this chapter. The director may, in the performance of an official duty, correct the status of an employee, change an employee's salary, or vacate or otherwise correct any appointment which is not in accordance with state law and this chapter. An affected employee may appeal any determination of the director made under this section to the personnel board.

(b) If a violation of this chapter occurs, and a department head or the

appointing authority fails to enforce the personnel rules within a reasonable period of time, the director shall take whatever action is necessary to secure compliance with the rules. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.040 AS 39.25.050 AS 39.25.070
AS 39.25.140 AS 39.25.150(25)

2 AAC 07.990. NATIONAL EMERGENCY OR CIVIL DISASTER. (a) In the event of a national emergency or civil disaster, emergency appointments may be made to the state service. The appointments must be for the duration of the emergency or disaster, or until the services of the emergency employees are no longer required.

(b) A manager or supervisor may assign employees to other duties for the duration of the emergency or disaster. (In effect before 6/28/84; am 6/28/84, Register 91)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.999. DEFINITIONS. Unless the context indicates otherwise, in this chapter

(1) "appointing authority" means the official to whom appointing authority has been assigned or delegated under AS 39.25.020;

(2) repealed 08/31/00;

(3) repealed 08/31/00;

(4) "class" or "class of positions" means one or more positions sufficiently similar as to duties and responsibilities, degree of supervision exercised or required, and as to entrance requirements, that the same descriptive title may be used to designate them;

(5) "class series" means a grouping of two or more classes sharing a common title, and characterized by duties which are similar in nature but with different and progressively higher degrees of responsibilities;

(6) "class specification" is a written statement of duties and responsibilities which are characteristic of a class of positions and includes the education, experience, knowledge and ability required to perform the work of the class of positions;

(7) "classification plan" means the orderly arrangement into classes of all positions in the classified and partially exempt services;

(8) "demotion" means the movement of an employee from a position in one class to a lower position in the same class series;

(9) repealed 08/31/00;

(10) "director" means the director of the division of personnel in the Department of Administration;

(11) "disabled veteran" means a person as defined in AS 39.25.159;

(12) "dismissal" means the involuntary separation of an employee from the state service for reasons other than layoff or termination;

(13) "domicile" means the true and permanent home of a person, from which

the person has no present intention of moving and to which the person intends to return whenever the person is away;

(14) repealed 08/31/00;

(15) "emergency employee" means an employee appointed for a period not to exceed 30 calendar days whose appointment was made under conditions requiring immediate action to carry on work required in the public interest;

(16) "employee" means a person in the state service who is paid a salary or wage and who is (A) wholly subject to the State Personnel Act in AS 39.25 and this chapter (classified employee), or (B) partially subject to that Act and this chapter (partially exempt employee);

(17) "grievance" means an employee's expression to the employee's supervisor of a feeling of a dissatisfaction with

(A) working conditions;

(B) relationships with supervisors and with other employees and officials;

(C) the manner of execution or the failure to execute personnel laws, rules or policies as established or interpreted by the director;

(D) disciplinary action excluding dismissal, demotion, or suspension over 30 days;

(E) the allocation of the employee's position;

(18) repealed 08/31/00;

(19) "layoff" means the separation of an employee because a position has been abolished, because of insufficient money, because of lack of work, or for any other reason not reflecting discredit on the employee;

(20) "nonpermanent employee" means an employee in the classified service whose employment is time-limited;

(21) "nonpermanent position" means a work assignment of less than 120 days, or a work assignment established for a specific program or project;

(22) "partially exempt service" means those positions in the state service listed or provided for in AS 39.25.120 and AS 39.25.130;

(23) "pay plan" means the salary schedule established and amended by the legislature;

(24) "performance evaluation" means a written appraisal of an employee's job related performance;

(25) "permanent employee" means an employee in the classified service who has completed a probationary period during the current period of service;

(26) "permanent position" means a position in the classified service requiring the services of a full or part-time employee that is not time-limited;

(27) "position" means a group of duties and responsibilities assigned by the appointing authority requiring the full-time or part-time employment of one employee or the part-time employment of one or more employees;

(28) "principal executive officer" means the highest ranking administrative officer of each principal office and department of the state; unless otherwise provided, the responsibilities assigned in this chapter may be delegated in accord with AS 44.17.010;

(29) "probationary employee" means an employee who is serving an initial

probationary period in the classified service;

(30) "probationary period" is a working test period following an appointment and preceding permanent employment in a class;

(31) "promotion" means the movement of an employee from a position in one class to a higher position in another class;

(32) "provisional appointment" means an appointment made without competition, in the classified service, either

(A) with the prior approval of the director in the absence of at least five qualified applicants; or

(B) of a person who is a client of the division of vocational rehabilitation and has a severe disability as determined by the director of vocational rehabilitation;

(33) "ranking" means the assignment of a qualified applicant to a position on a scale from highest to lowest, based upon assessment results;

(34) "reallocation" means the action taken to place an existing position in a different class;

(35) "resignation" means the voluntary separation of an employee from state service;

(36) "seasonal position" means a permanent position established to meet recurring seasonal needs of less than 12 months' duration during any calendar year;

(37) "second degree of kindred" means a father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, or granddaughter, in a full, half, or step relationship;

(38) "separation" means the conclusion of employment in a job class or with the state and includes resignation, termination, dismissal, and layoff;

(39) "state" means the State of Alaska;

(40) "substitute appointment, nonpermanent" means the appointment of a nonpermanent employee to a permanent position or a group of permanent positions in the same classes while the incumbent is on authorized leave of absence;

(41) "substitute appointment, permanent/probationary" means an appointment made to a position which is to be vacant for longer than six months because of an authorized leave of absence where the incumbent has reinstatement rights;

(42) "suspension" means an enforced leave of absence without pay for disciplinary purposes or pending investigation of charges made against an employee;

(43) "termination" means the release from employment of a nonpermanent emergency or temporary employee upon completion of the term of service or the need for services;

(44) "transfer" is the lateral movement of an employee from one position to another position in the same job class or to a closely related but different job class at the same pay range without any break in service;

45 (45) "veteran" means a person as defined in AS 39.25.159;

(46) "vacancy" means a position with no incumbent, a position requiring the part-time employment of more than one employee with less than that number of incumbents, or a position with one or more incumbents at the time of a reallocation

until an appointment is made to the new job class. (In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137; am 9/28/96, Register 143; am 08/31/00, Register 156)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150